

1 Michael C. Murphy, Esq. (S.B. No. 104872)
2 Michael@murphlaw.net
3 Michael C. Murphy, Jr. Esq. (S.B. No. 305896)
4 Michael.jr@murphlaw.net
5 LAW OFFICES OF MICHAEL C. MURPHY
6 2625 Townsgate Road, Suite 330
7 Westlake Village, CA 91361
8 Tel.: 818-558-3718
9 Fax: 805-367-4506

8 Attorneys for Defendant,
9 Patrick Byrne

10 **UNITED STATES DISTRICT COURT**
11
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 ROBERT HUNTER BIDEN, an
14 individual,

15 Plaintiff,

16 vs.

17 PATRICK M. BYRNE, an individual,

18 Defendant.

19 } Case No.: 2:23-cv-09430-SVW-PD
20 } Judge: Honorable Stephen V. Wilson
21 } Courtroom: "10A"

22 }
23 } **DEFENDANT PATRICK BYRNE'S**
24 } **REPLY TO PLAINTIFF ROBERT**
25 } **HUNTER BIDEN'S RESPONSE TO**
26 } **DEFENDANT'S FINAL RULE 26**
27 } **PРЕTRIAL DISCLOSURES (ECF**
28 } **No. 286)**

29 } Date: July 28, 2025
30 } Time: 1:30 p.m.
31 } Courtroom: "10A"

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 Defendant Patrick Bryne (“Defendant”) hereby responds to Plaintiff Hunter
3 Biden’s (“Plaintiff”) Response to Plaintiff’s Final Rule 26 Pretrial Disclosures
4 pursuant to FRCP 26(a)(3)(B) as follows:

5 1. Plaintiff’s counsel repeatedly failed and refused to comply with the Rule
6 16 Pretrial Rules when he was supposed to start the meet and confer process
7 pursuant to Rule 16 on June 3, 2025. Instead, Plaintiff’s counsel waited until June
8 30, 2025, to start the Rule 16 process and even then as is evident from the
9 previous report filed by Defendant, Plaintiff refused to meet and confer at all until
10 only a few days before the Pretrial Conference to meet and confer and one day
11 before Defendant’s counsel went on a one-week vacation. Under these
12 circumstances, Defendant’s filing being only one day late and with Plaintiff
13 showing no prejudice due to the late filing should be excused by the court.

14 2. Plaintiff cites Federal Rule of Civil Procedure Section 32(a) and the cases
15 of Cuelbra II, LLC v. River Cruises and Anticipation Yachts, LLC (D. Me. 2008)
16 564 F. Supp. 2d 70, 79-80 and Fairfield 274-278 Clarendon Trust v. Dwek (1st Cir.
17 1992) 970 F.2d 990, 995 which stands for the proposition that if a party fails to
18 appear for trial the court in its discretion can preclude the party from using his
19 deposition in lieu of his trial testimony if he chooses to not appear at trial. In both
20 of those cases it was the absent party that attempted to use his deposition in lieu of
21 trial testimony. Here in this case, it is the Plaintiff and not the defendant who
22 chose to designate passages from Defendant’s depositions that he intends to use at
23 trial. In response, Defendant filed counter designations to Plaintiff’s designations.
24 Accordingly, Plaintiff has waived any objections to Defendant’s deposition being
25 read and when Defendant is only counter designating to ensure that Plaintiff does
26 not omit testimony of the Defendant or take out of context during the reading of
27 the deposition like counsel have done in the past with past court filings.

Dated: July 25, 2025

LAW OFFICES OF MICHAEL C. MURPHY

By: /s/ Michael C. Murphy, Esq.

Michael C. Murphy, Esq.
Michael C. Murphy, Jr., Esq.
Attorneys for Defendant,
Patrick Byrne

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2625 Townsgate Road, Suite 330
Westlake Village, CA 91361